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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG IVAN ADAMS,

 Petitioner,

 v.

PATRICK COVELLO,

 Respondent.

No. 2:19-cv-2572 WBS DB P

ORDER

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. On February 13, 2020, respondent moved to dismiss the petition on the grounds that one of the four claims alleged by petitioner is unexhausted. (ECF No. 10.) In his response, filed here on March 4, 2020, petitioner requests that the unexhausted claim, claim 4, be deleted from his petition and the case proceed on his remaining three claims.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Claim 4 regarding petitioner’s sentencing enhancement is stricken from the petition. This case will proceed on petitioner’s claims 1-3.
2. Respondent’s motion to dismiss (ECF No. 10) is denied as moot.

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1 3. Within thirty days of the filed date of this order, respondent shall: (a) file an answer,
2 or other responsive pleading, to claims 1-3 of the petition; and (b) lodge the remainder of the
3 relevant state court record.

4 Dated: March 11, 2020

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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14 DLB:9
15 DLB1/prisoner-habeas/adam2572.mtd denied
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